

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EDNA RIOS,

Index No.: _____

Plaintiff,

COMPLAINT

-against-

**WELLS FARGO BANK and WELLS FARGO HOME
MORTGAGE,**

Defendants.
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Edna Rios, by and through its attorney, the Sondak Law Group, PLLC., does hereby
complain of the Defendants as follows:

Introduction

1. Plaintiff Edna Rios seeks redress for the illegal practice of the Wells Fargo Bank and Wells Fargo Home Mortgage, (“Defendants”) concerning the collection of debts, in violation of the Fair Debt collection Practice Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

Jurisdiction and Venue

2. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

Allegations

4. This action concerns a satisfied debt previously secured by a mortgage on the residential property located at 502 Marion Street, Brooklyn, New York, Block 1522 Lot 34, (the “Premises”).

5. Defendant was the holder of a mortgage note in the amount of \$592,000.00, given by the owner of the Premises, Plaintiff Edna Rios.

6. On or before July 16, 2019, the aforesaid debt was paid off in full and or settled to the satisfaction of the Defendant and a Satisfaction of a Mortgage note was made by the Plaintiff, that was issued and recorded on July 23, 2019 with the New York City Registrar in CRFN No.: 2019000231945. **Exhibit A.**

The First Cause of Action is the Violation of the FDCPA

7. The Plaintiff alleges that the Defendants violated the FDCPA by misrepresenting the amount and legal status of the debt.

8. On August 16, 2019, despite the recordation and Satisfaction of the Mortgage, Plaintiff received a demand from Wells Fargo Home Mortgage (“Defendants”), for the repayment of this previously satisfied debt. **Exhibit B.**

9. Defendants violated 15 U.S.C. 1692e(2) by misrepresenting the amount and legal status of the debt, stating that Plaintiff owed money with total disregard to the fact that the debt had already been paid.

10. Defendants violated FDCPA Sections 1692e(2), 1692e(5), and 1692f(1) by misrepresenting the amount and legal status of the debt.

11. As a direct and proximate result thereof, Plaintiff has been injured and may continue to suffer such injury in the future.

12. As a direct and proximate result of the above violations of the FDCPA, Defendants are liable to the Plaintiff for declaratory judgment that Defendant's conduct violated the FDCPA, and Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

Second Cause of Action, Intentional Infliction of Emotional Distress.

13. Plaintiff, upon receipt of the August 26, 2019 demand for the payment in the amount of \$357,686.45, was frightened that she might still owe monies to the Defendants which caused her considerable emotionally distressed.

14. Plaintiff's emotional distressed was proximately caused by the Defendants by continuing to attempt to collect a debt which has been satisfied of record.

15. As a direct and proximate result of thereof, Plaintiff has been injured and will continue to suffer such injury in the future.

16. As a direct and proximate result of Defendants' conduct which violated the FDCPA, Defendants are liable to the Plaintiff for declaratory judgment and Plaintiff's actual damages, statutory damages, costs, and attorney's fees.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in her favor and against the Defendant and award damages as follows;

- (a) Statutory and actual damages provided under the FDCPA, 15 U.S.C. § 1692(k)
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and
- (c) Any other relief this Court deems appropriate and just under the circumstances.

Plaintiff prays this court for any other such relief as I may find just

DATED: February 6, 2020
New York, NY

Respectfully Submitted,



Alisa Sondak, Esq.

Sondak Law Group, PLLC.
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Attorney for Plaintiff

TO: Wells Fargo Home Mortgage/Wells Fargo Bank NA
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